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OFFICE OF PETITIONS

In re Application of
Kilwon Cho et al.
Application No. 10/526,836
Filed: March 4, 2005
Attorney Docket No. DE1615

ON PETITION

This is a decision on (a) the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 13, 2009, to revive the above-identified application and (b) on the petition filed August 3, 2009, to withdraw the previously filed Request for Continued Examination (RCE), that is being treaded under 37 CFR 1.182.

The petition under 37 CFR 1.182 to withdraw the RCE is **DISMISSED**.

A petition filed under 37 CFR 1.182 requires a fee set forth in 37 CFR 1.17(f). The authorization to charge fees included on page 2 of the request filed August 3, 2009, authorized the Commissioner "to charge all fees required to facilitate allowance of this application" is not specific enough. In the absence of a fee the petition under § 1.182 could not be considered on the merits. However, petitioner should note that the Office practice does not allow for a "withdrawal" of a properly filed RCE.

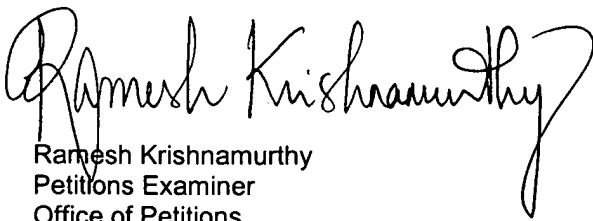
The petition under 37 CFR 1.137(b) is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed June 9, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 10, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the JoAnne Burke at (571)272-4584.

This application is being referred to Technology Center AU 1618 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions